



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



467804

REPLY TO THE ATTENTION OF:

January 21, 2014

**SPECIAL NOTICE LETTER
URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
FED EX: SIGNATURE CONFIRMATION REQUIRED**

Re: Special Notice Letter of Potential Liability
Chemetco Superfund Site
Madison County, Illinois

Dear [Company or Representative]:

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) is responsible for responding to the release or threat of release of hazardous substances, pollutants, or contaminants into the environment by stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Chemetco Superfund Site (Site) located in Hartford, Illinois. EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available, EPA has determined that you may be responsible under CERCLA for the cleanup of the Site or costs EPA has incurred in cleaning up the Site.

On November 30, 2011, EPA issued a general notice letter (GNL) to 115 potentially responsible parties (PRPs) notifying them of their potential liability under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), for the costs of cleaning up the Site. The GNL was sent to PRPs who, based on data collected by EPA at that time, sent over 1 million pounds of material to the Site. EPA expanded its recipient list for this Special Notice Letter (SNL) to include parties who, based on our records of Chemetco-Hartford transactions, sent 150,000 pounds or more of material to the Site. This expands the number of parties receiving notice of their potential

liability in this matter. It should be noted that just because parties do not receive an SNL, it does not mean that they are not potentially liable.

You are receiving this SNL because our records indicate that you, or the entity you represent, sent 150,000 pounds or more of material to the Site. Enclosure 5 further explains EPA's SNL-recipient selection process. This letter sets forth the steps that must be taken to resolve your potential liability at the Site.

Background

Based on an extensive review of records related to the release and/or disposal of hazardous substances at the Site, EPA has identified you as a potentially responsible party (PRP) that arranged for disposal or treatment or transport of hazardous substances to the Site. Under the Superfund law, you and the other PRPs are responsible for the costs of cleaning up the Site. EPA will select a cleanup approach (known as a remedial action) for the Site, which will be described in a document called a Record of Decision (ROD), to be issued by EPA after completion of the Remedial Investigation and Feasibility Study (RI/FS) and public input on the Proposed Plan for the Site.

In 2002, Illinois EPA conducted a preliminary assessment and expanded site inspection that documented significant contamination of the facility and in the sediments downstream in Long Lake. After scoring the Site according to the Hazard Ranking System, EPA listed the Site on the National Priorities List (NPL) in 2010 and conducted an enforcement investigation to find PRPs. EPA is preparing to take further response action at the Site to determine the nature and extent of contamination at the Site, which will begin with the Remedial Investigation/Feasibility Study (RI/FS). A Remedial Investigation (RI) identifies site characteristics and defines the nature and extent of soil, air, surface water, and groundwater contamination at the Site and the risks posed by the Site. A Feasibility Study (FS) evaluates different cleanup options for the Site.

Special Notice and Negotiation Moratorium

EPA has determined that use of the special notice procedures set forth in Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), may facilitate a settlement between you, the other PRPs, and EPA for the performance of an RI/FS at the Site. Under Section 122(e), this letter triggers a sixty (60)-day moratorium on certain EPA response activities at the Site. However, EPA reserves the right to take action at the Site at any time should a significant threat to human health or the environment arise. During this 60-day period, you and the other PRPs are invited to participate in formal negotiations with EPA in an effort to reach a settlement to conduct or finance the RI/FS. The 60-day negotiation period ends on March 22, 2014. The 60-day negotiation moratorium will be extended for an additional thirty (30) days, if PRPs provide EPA with a "good faith offer" to conduct or finance the RI/FS. Under this 90-day negotiation moratorium, negotiations will conclude on April 21, 2014. If a settlement is reached between EPA and the PRPs within the 90-day negotiation moratorium, the settlement will be embodied in an administrative order on consent for RI/FS (AOC or Administrative Order).

After the issuance of the General Notice Letter, EPA engaged in information and document preservation activities, additional Site investigation, and settlement discussions with members of a Chemetco PRP Group. EPA is hopeful that these efforts will aid in concluding negotiations for an RI/FS AOC within the above timeframes.

Good Faith Offer

A proposed Administrative Settlement Agreement and Order on Consent and Statement of Work are enclosed to assist you in developing a "good faith offer." This draft reflects revisions and comments that the existing Chemetco PRP Group has made and which EPA has accepted in our on-going negotiations. As indicated, the 60-day negotiation moratorium triggered by this letter is extended for 30 days, if the PRPs submit a "good faith offer" to EPA. A "good faith offer" to conduct or finance the RI/FS is a written proposal that demonstrates the PRPs' qualifications and willingness to conduct or finance the RI/FS and includes the following elements:

- A statement of willingness by the PRPs to conduct or finance an RI/FS that is consistent with EPA's Statement of Work and draft Administrative Order and provides a sufficient basis for further negotiations;
- A paragraph-by-paragraph response to EPA's Statement of Work and draft Administrative Order;
- A detailed description of the work plan identifying how the PRPs plan to proceed with the work;
- A demonstration of the PRPs' technical capability to carry out the RI/FS, including the identification of the firm(s) that may actually conduct the work or a description of the process they will use to select the firm(s);
- A demonstration of the PRPs' ability to finance the RI/FS;
- A statement of willingness by the PRPs to reimburse EPA for costs incurred in overseeing the PRPs' conduct of the RI/FS; and
- The name, address, and phone number of the party or steering committee that will represent the PRPs in negotiations, if any.

Demand for Reimbursement of Costs

With this letter, EPA demands that you reimburse EPA for its costs incurred to date, and encourages you to voluntarily negotiate a consent order in which you and other PRPs agree to perform the RI/FS. In accordance with Section 104 of CERCLA, 42 U.S.C. § 9604, EPA has already taken certain response actions and incurred certain costs in response to conditions at the Site. These response actions include: scoring the site for inclusion on the National Priorities List, limited sample collection to scope the RI/FS, collecting and securing documentation at and